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Date of Deposit

Kenneth A. Gandy

Name of Registered Representative

*Kenneth A. Gandy*

Signature

January 28, 2004

Date of Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: )  
Williams and Patel ) Before the Examiner: Nguyen, D.  
Serial No. 09/394,867 )  
Filed: September 13, 1999 ) Group Art Unit 1632  
METHODS FOR ENHANCED )  
RETROVIRAL-MEDIATED )  
GENE TRANSFER )

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**  
**(37. C.F.R. 1.321 (c))**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Advanced Research and Technology Institute, Inc. and  
Northwestern University (Petitioners), collectively the owners of 100% of  
the right, title and interest in and to the above-captioned patent  
application (the "Instant Application"), state as follows.

Petitioners hereby disclaim, except as provided hereafter, the  
terminal part of the statutory term of any patent granted on the instant

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Application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer filed prior to its grant, of United States Patent No. 5,686,278 issued November 11, 1997, for Methods For Enhanced Retrovirus-Mediated Gene Transfer (hereafter the "Issued Patent").

Petitioners agree that any patent granted on the Instant Application shall be enforceable only for and during such period that it and said Issued Patent are commonly owned. This agreement runs with any patent granted on the Instant Application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, Petitioners do not disclaim the terminal part of any patent granted on the Instant Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of said Issued Patent, as shortened by any terminal disclaimer filed prior to the grant of said Issued Patent, in the event that said Issued Patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Respectfully submitted,

By: Kenneth A. Gandy  
Kenneth A. Gandy, Reg. No. 33,386  
Attorney of Record